Department of Planning, Housing and Infrastructure

Low-rise housing reforms and targeted assessment

Discussion Paper

May 2026

Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Low-rise housing reforms and targeted assessment

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1 Purpose of this discussion paper

1.1 Introduction

In November 2025, the NSW Government passed the *Environmental Planning and Assessment Amendment (Planning System Reforms) Act 2025* (PSR Act). The PSR Act was introduced to respond directly to the criticism that the NSW planning system is often too cumbersome and inflexible to respond to contemporary planning challenges. The reforms represent a significant update to the structure and operation of the NSW planning system. They introduce new mechanisms aimed at making the planning system faster, fairer and modern by improving coordination, streamlining assessment pathways, and aligning planning processes with broader strategic objectives.

The passing of the reforms introduced a new targeted assessment pathway designed to bridge the gap between complying development and a full development application. This allows us to reconsider the way low impact development is assessed in the planning system and move to a model that places greater emphasis on up-front strategic planning and well-designed codes and rules, while reducing regulatory burden at the development assessment stage.

Under the National Housing Accord, the NSW Government has committed to deliver 377,000 new well-located homes across the state by 2029. Meeting this commitment, and addressing longer-term housing availability and affordability challenges, not only requires an increase in housing supply but a planning system that is efficient, predictable and outcomes-focused.

Improving the assessment and regulation of low-rise housing will be a critical component of this task. Low-rise housing accounts for approximately 50% of all development applications processed through the NSW planning system, making it a significant opportunity to support housing delivery through a more streamlined and risk-based pathway.

Accordingly, this discussion paper explores opportunities for low-rise housing assessment in NSW that are enabled by targeted assessment and the PSR Act. It includes a critical analysis of how existing planning pathways operate and considers how the system can be reformed to be simpler, deliver more consistent outcomes, and ensure that assessment processes are proportionate to the typically low-impact and low-risk nature of low-rise housing development.

1.2 What is a 'code'?

This discussion paper explores the use of codes for targeted assessment and low-rise housing. A code is a form-based set of rules that guide how land and buildings can be developed. Codes aim to create clear and consistent expectations so communities, councils and developers understand what can be built and how development should relate to its surroundings.

A code focuses on the shape and design of buildings, rather than on what is or isn't allowed on a site. It considers how buildings meet the street, how they are arranged on a lot and what size they can be, amongst other considerations.

Codes are legal instruments, not guidelines. When a code is adopted, it becomes part of (or replaces) the planning rules that apply to an area. This can help to streamline development assessment and approvals by setting clear, consistent expectations upfront.

Codes are currently used in the NSW Planning System for exempt and complying development, most notably through *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). For example, the Greenfield Housing Code sets out rules and numerical standards for new housing in Greenfield areas which dictate the building envelope and other requirements. If all the standards are met, then work can be carried out as complying development. The use of codes in NSW is largely numerical, so strict compliance with every standard is necessary to qualify for the pathways.

Codes, however, are not limited to numerical standards. They can also contain non-numerical elements, such as objectives, which provide more flexibility by allowing impacts to be assessed against clear outcomes rather than relying solely on prescriptive controls.

This discussion paper explores a broader use of codes in NSW. In particular, it considers how codes could be applied to support the new targeted assessment pathway alongside exempt and complying development, and how they would include non-numerical, merit-based considerations.

1.3 Getting involved

Delivering the best outcomes for the community and the environment requires input from all users of the planning system including councils, the development industry, planning professionals and the wider community. Stakeholder and community feedback will play a critical role in informing the development of reforms outlined in this discussion paper.

Get involved by visiting https://www.planningportal.nsw.gov.au/low-rise-housing-and-targeted-assessment-discussion-paper and provide your feedback by 24 June 2026.

This Discussion Paper is not an Explanation of Intended Effect (EIE). Before development can be eligible for targeted assessment, an EIE must be exhibited. Feedback on this Discussion Paper will inform any future EIE.

2 Introduction to targeted assessment

2.1 What is targeted assessment?

The PSR Act introduces a range of planning reforms aimed at modernising and streamlining the NSW planning system. One of the most significant reforms is the introduction of a new targeted assessment pathway.

Targeted assessment is a flexible, streamlined development application (DA) pathway for development that has undergone detailed assessment at a strategic level. Under this approach, key planning issues are addressed through strategic planning processes, with any residual issues managed through detailed controls and specific merit considerations.

The pathway is intended to facilitate the assessment of development proposals that fall outside the scope of complying development, yet are of a nature and scale that does not warrant a full merit assessment under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It could apply to a class of development (e.g. a specific land use) or development in a particular location such as a precinct or strategic growth area. Targeted assessment is intended to capture the middle ground between complying development and a full DA, saving time and resources for applicants and consent authorities. **Figure 1** demonstrates indicative timeframes for each pathway.

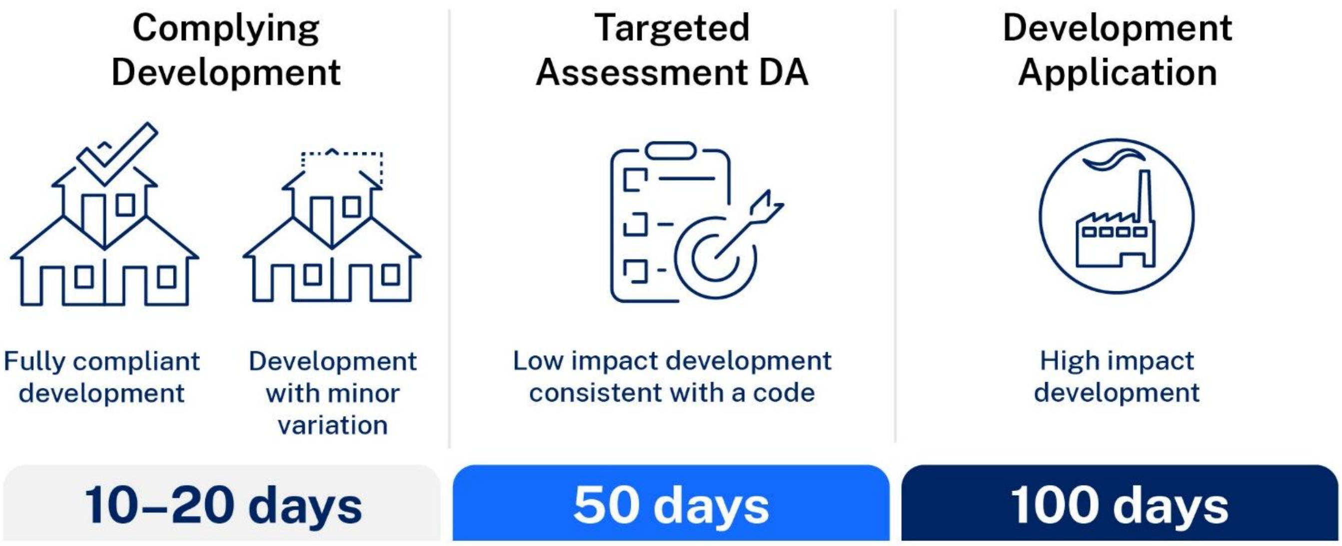

Figure 1: Assessment pathways and indicative timeframes

Certain types of development may not be suitable for complying development due to site constraints, the scale of the development, locational factors or where more qualitative merit assessment is required to achieve good planning outcomes.

At the same time, full merit assessment (along with all the other requirements of the DA process) may be disproportionate to the impacts of development, particularly where impacts have been considered at the strategic level or can be mitigated through specific development controls.

This discussion paper proposes a targeted assessment pathway for certain types of low impact, low-rise housing in locations where risk is low or can be mitigated through appropriate controls. This pathway would have a target determination time of 50 days, half the existing average for low-rise housing.

The main difference between a full DA pathway and the targeted assessment pathway is that certain matters are switched off for targeted assessment. Otherwise, applications for targeted assessment are still subject to the usual DA processes and requirements including the need to prepare a Statement of Environmental Effects (SEE) or Environmental Impact Statement (EIS), undertake statutory referrals and concurrences, address the requirements of relevant Local Environmental Plans (LEPs), State Environmental Planning Policies (SEPPs) and applicable legislation such as the *Biodiversity Conservation Act 2016* (NSW).

2.2 Legislative framework for targeted assessment

Targeted assessment development is established in Division 4.3A of the EP&A Act, which commenced on 21 March 2026. Division 4.3A sets out the process for and limitations on declaring development eligible for targeted assessment.

Once a development or class of development is declared eligible for targeted assessment, streamlined assessment provisions are enlivened for any subsequent DA.

An explanation of the provisions related to targeted assessment is set out in **Table 1.**

Table 1: Explanation of targeted assessment provisions

Provision of the EP&A Act	Effect of provision	Further explanation
s.4.20A(1)	Allows a State Environmental Planning Policy (SEPP) to declare development or a class of development as targeted assessment development.	This can apply to a type of development or development in a particular location.
s.4.20A(2)	Allows the SEPP to specify criteria that development or a class of development must meet to be targeted assessment development.	This criteria could be locational or design related and/or place limitations on the types of development that are covered by the declaration.
s.4.20A(3)	Requires an explanation of intended effect (EIE) to be publicised for 28 days and submissions sought and considered before the SEPP can be made.	This allows the community to have a say before any declaration is made.
s.4.20A(4)	Clarifies that a development can be both targeted assessment development and another type of development.	For example, development could be both targeted assessment development and integrated development.

Provision of the EP&A Act	Effect of provision	Further explanation
s. 4.20A(5)	Excludes designated development or state significant development that would otherwise be designated development from being declared targeted assessment development.	This prevents high-impact development, which requires rigorous environmental impact assessment, from being eligible for targeted assessment.
s.4.20B	Confirms that the provisions of targeted assessment prevail over other provisions in the EP&A Act, including for other development types, if there is any inconsistency.	This means that the targeted assessment provisions will apply if another provision of the EP&A Act is inconsistent with them (e.g. exhibition requirements).
s. 4.15 (1C) and (1D)	Requires that the consent authority only consider the matters in s4.15(1)(a) and (d) when assessing a DA for targeted assessment.	This provision excludes the consideration of broader planning matters including the likely impacts of the development, the suitability of the site and the public interest on the basis that these matters are captured and dealt with upfront in a SEPP.
Clause 9C of Schedule 1	Allows a SEPP to set out the exhibition and re-exhibition requirements for targeted assessment development, including that there can be no exhibition. If the SEPP does not set out exhibition or re-exhibition requirements, a default 14-day exhibition period applies.	In certain circumstances, public exhibition of targeted assessment development may not be warranted. This provision allows development specific requirements to be set out in a SEPP rather than a Community Participation Plan (CPP). The statewide CPP may also be updated to set out broader exhibition requirements for targeted assessment.

2.3 Guiding principles for targeted assessment

The principles in Table 2 have been developed to guide the use of the targeted assessment pathway. These aim to provide greater certainty to the community about the types of development that may or may or may not be suitable for targeted assessment and ensure that it is used in a way that does not overcomplicate the planning system.

Table 2: Guiding principles for targeted assessment

Principle	Further explanation
Targeted assessment should be used to simplify the planning system, not add additional layers of complexity.	• Where possible, a targeted assessment pathway should not create additional layers of development control but should consolidate or replace existing controls.
Development should only be targeted assessment if it is low-medium risk and/or low-medium scale.	• Larger scale development with high-risk or complex unresolved site constraints is not appropriate for targeted assessment and should be subject to a full merit assessment. • Larger scale development is only appropriate for targeted assessment on less constrained sites. • Low-mid scale development may be appropriate for targeted assessment where some site constraints are present. • Simple development that could utilise exempt or complying development pathways is also not appropriate for targeted assessment.
Impacts should generally be understood and either resolved at the strategic level or addressed in the detailed controls, specific merit considerations and any standard or model conditions that will apply to the development.	The following are not appropriate for targeted assessment development: • rezonings of sites or precincts where important assessment issues have been deferred to the DA stage or where limited public consultation has occurred. • complex development types where the possible range of design responses vary significantly from site to site. • development on certain hazardous or highly constrained sites.
Targeted assessment is best suited to specific development types/uses (e.g. housing, commercial or industrial uses) rather than for specific locations (e.g. a precinct or area) except in limited circumstances.	Targeted assessment for a precinct/area will not be appropriate where: • it only relates to one site or a small area • a wide range of uses are permitted on any given site • the area/precinct has already been rezoned - a declaration of targeted assessment should occur at the same time as any rezoning to ensure the community is aware of the implications early. Targeted assessment for a precinct/area may be appropriate where: • the precinct or area is of a significant scale (e.g. a large master planned area) • the development of the precinct/area is identified as a state priority in a strategic plan.

What do you think?

Are the guiding principles appropriate? What changes would you suggest?

2.4 Opportunities for targeted assessment

Although targeted assessment could be used widely across the planning system, low-rise housing is considered the most suitable starting point.

Of all development types, low-rise housing should be the most accessible and straightforward for the general public to navigate. Building or modifying a home is something many people will need to do at some point, and the planning system should support them to do so with clarity and confidence. Streamlining the pathways and controls that apply to low-rise housing offers a chance to make the system more intuitive, more consistent and more responsive to community needs.

Low-rise housing development accounts for more than 50% of all DAs, with more than 30% relating specifically to dwelling houses (refer to Figure 2). Because it represents such a significant portion of the planning system's workload, improving assessment pathways for low-rise housing has the potential to deliver substantial efficiencies and benefits. It is also central to addressing the housing challenge, with low-rise housing being a sought-after housing typology and the key to housing delivery where higher density development is not appropriate.

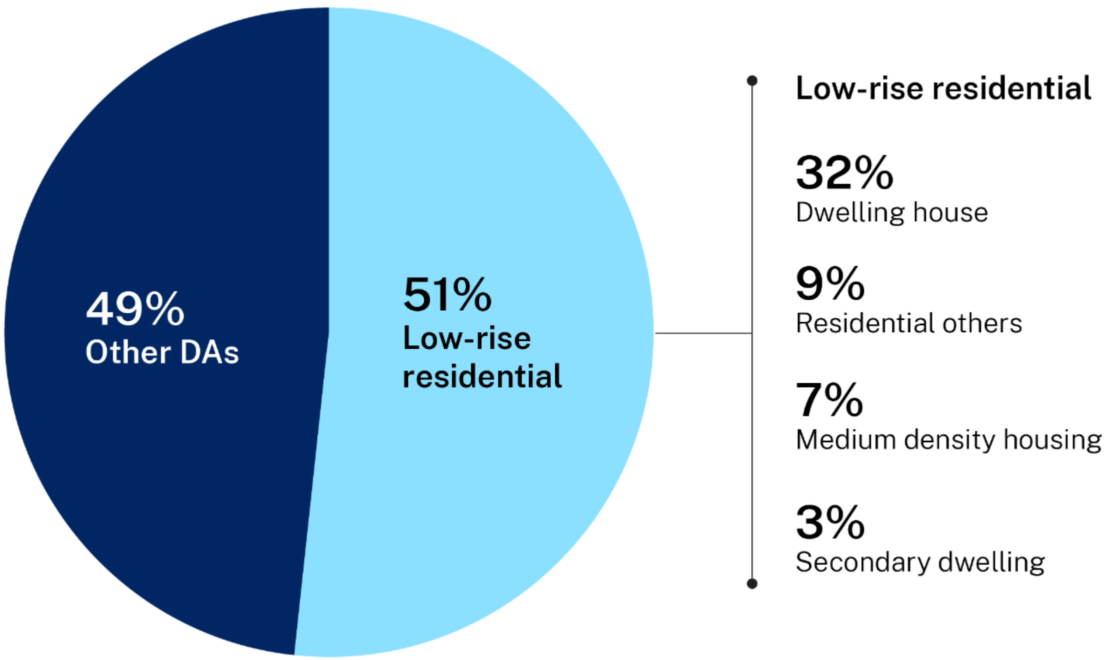

Figure 2: Low-rise housing share of DAs (2021-2025)

Low-rise housing is typically low-risk and can be effectively managed through relatively standard approaches to codes and controls. This makes it well suited to piloting the new pathway.

This broader opportunity, and how it aligns with a new targeted assessment pathway, is explored in the remainder of this discussion paper.

3 The existing state of low-rise housing

3.1 Low-rise housing in NSW

Low-rise housing comprises the majority of housing stock in NSW and includes a range of housing types including single dwellings, dual occupancies, terraces, town houses and manor houses. This form of housing is generally one or two storeys, sometimes incorporating a habitable roof space. Low-rise housing is typically permitted in residential zones but can also be permitted in certain conservation and rural zones. Permissibility varies from council to council.

Figure 3 shows the main forms of low-rise housing in the NSW planning system.

Figure 3: Low-rise housing typologies in the NSW planning system

Low-rise housing is currently assessed through the complying development pathway or a full DA, with very minor works being able to proceed as exempt development. The average timeframe for issuing a complying development certificate (CDC) for low rise housing in 2024-2025 was 29 days. By contrast, the average timeframe for determining a DA over the same period was 103 days[1]. This significant difference in determination timeframes highlights the need for both the optimisation of the CDC pathway and the opportunity to deliver more timely assessments through a targeted assessment pathway.

3.2 What are the limitations or complexities associated with existing pathways?

Despite the relatively low-impact of low-rise housing, the planning controls and assessment pathways are among the most complex and variable of any form of development in NSW. The complexity arises at every stage of the process – from working out what the land use is, to whether its permissible, and to then navigating the different pathways and controls that apply.

While this complexity has evolved over time in response to policy objectives, it now presents a significant opportunity to simplify and improve how low-rise housing is navigated and assessed.

[1] Averaged across dwelling houses (77 days), medium density housing (132 days), secondary dwellings (94 days) and residential others (109 days)

3.2.1 Permissibility and definitions

3.2.1.1 Permissibility spread between Environmental Planning Instruments

The starting point for carrying out any development is whether the land use (e.g. a dwelling house), is permissible on the land. If the land use is not permissible, development consent cannot be granted. If it is permissible, a CDC application or DA may be lodged and assessed.

In most cases, permissibility for a particular use is found in the LEP that applies to the land. However, in some instances, additional or alternative permissibility is provided through SEPPs. For example, since 2018, development for the purposes of manor houses has been permitted by the Codes SEPP in certain residential zones where multi dwelling housing or residential flat building are permitted. Similarly, the various precincts SEPPs set out permissibility and other controls in specific locations such as the growth centres.[2]

More recently, changes to the Housing SEPP have expanded opportunities for housing by permitting certain uses, such as dual occupancies and multi dwelling housing, where they would otherwise be prohibited. The Housing SEPP does not take the traditional zone-based approach taken in LEPs but permits certain uses only in specified locations within a zone.

These changes enabled broader low-density housing choice in well located areas within the housing accord period. However, they have also resulted in a more complex and layered framework for determining permissibility.

For example, under the Ku-ring-gai LEP, dual occupancies are prohibited within the R2 Low Density Residential zone. However, under the Housing SEPP, dual occupancies are permitted in the zone as long as the land does not fall within one of the exclusions (e.g. bushfire prone land). This can lead to outcomes that are not immediately apparent from the LEP alone and may be challenging for users to interpret without careful reference to multiple instruments.

A broader look at how low-rise housing is treated in the NSW planning system presents a valuable opportunity to integrate SEPP based permissibility, including the low- and mid-rise reforms in the Housing SEPP, into LEPs in the longer-term. Doing so would help maintain the benefits of recent housing initiatives while making the system more transparent, consistent and easier to navigate for both the community and practitioners.

3.2.1.2 Inconsistent definitions

For several forms of low-rise housing, different definitions are included within SEPPs, Standard Instrument LEPs and DCPs. As a result, it is not always immediately clear what type of residential development is allowed on a site, which can make it challenging to understand the available assessment pathways.

Even a simple dwelling house is defined differently in the Standard Instrument LEP compared to the Codes SEPP. The Codes SEPP also contains various sub-types of Standard Instrument LEP definitions. This complexity is further compounded by the four precincts SEPPs, which includes

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[2] *State Environmental Planning Policy (Precincts—Eastern Harbour City)* 2021, *State Environmental Planning Policy (Precincts—Central River City)* 2021, *State Environmental Planning Policy (Precincts—Western Parkland City)* 2021, *State Environmental Planning Policy (Precincts—Regional)* 2021

many historical state-led rezonings and definitions that differ from both the Codes SEPP and Standard Instrument. Some of these inconsistencies are explored further in Appendix A.

Inconsistencies also extend to key terms used in controls such as “deep soil” and “existing ground level”. Addressing these inconsistencies would benefit low-rise housing assessment and the system more broadly.

While these variances have developed over time in response to different policy needs and contexts, they can cause confusion and make it difficult to develop clear and consistent controls. Any effort to simplify and improve the system must therefore involve alignment of land use definitions and terms to create a consistent starting point for development control.

3.2.2 Complying development

Complying development is an important pathway for the delivery of low-rise housing, but has become increasingly complicated to navigate. This creates challenges for applicants, particularly those with a non-planning background, in establishing whether a complying pathway is available.

This leads to many applications being excluded because they may not strictly meet one development criterion, even where the proposal is otherwise materially consistent with the applicable standards. As a result, many proposals that are broadly consistent with the policy intent are diverted into the full DA pathway.

Reforms that allow certain complying development standards to be varied are currently on exhibition. These changes are an important initial step, however, a longer-term approach is needed to address the broader issues.

3.2.2.1 Complexity of complying development eligibility

A challenge early in the complying development process is determining whether a CDC pathway is available. Because complying development doesn’t undergo merit assessment, eligibility is informed by an extensive set of exclusion criteria designed to ensure the pathway is only used where impacts can be managed. These criteria are numerous, live across multiple Environmental Planning Instruments (EPIs) and are contained within various sections of the Codes SEPP. They include constraint-based exclusions relating to heritage, zoning and hazards. In some cases, these exclusions rely on concepts that are not clearly defined or mapped and it can be challenging to work out whether these exclusions apply or not.

For example, land that is identified as a “buffer area” is excluded from complying development, yet the term is not defined or mapped within the Codes SEPP. Environmentally sensitive land is also excluded from the complying development pathway but is not mapped or applied consistently across LGAs. A summary of the eligibility considerations for the CDC pathways is provided in Appendix B.

Based on analysis of these requirements and exclusions, about 15% of residentially zoned land is unable to access a CDC pathway. When overlays like flooding, site slope and compliance with CDC standards are taken into consideration, a far greater proportion expected to be unable to access CDC. While many of these exclusions are appropriate and necessary, reform presents an opportunity to consider whether they all remain fit-for-purpose. Where complying development remains unsuitable, the targeted assessment pathway could be used to simplify the DA process in these locations. For example, approximately 25,000 lots are excluded due to acid sulfate soils, and another approximately 11,000 for aircraft noise.

3.2.2.2 Complexity of complying development standards

Once exclusion and eligibility criteria are satisfied, a development must meet all the relevant development standards to be eligible for a CDC.

Many of these standards are highly prescriptive or difficult to understand, while others do not give sufficient flexibility to achieve the best outcomes. Despite approximately 85% of residentially zoned land being eligible for the CDC pathway, more than 50% of DAs still relate to low-rise housing. This suggests that development standards are a significant barrier to the uptake of the pathway.

The ability to vary certain complying development standards enabled through the PSR Act will introduce some flexibility where a minor variation to a standard is required. But variations are not a substitute for ensuring base standards are clear and give rise to good planning outcomes.

3.2.2.3 Overlap between complying development codes

As it has evolved to incorporate more varieties of development over time, the Codes SEPP has become a challenge to navigate.

Depending on the location and nature of the proposal, an applicant may be able to access one of nine residential codes:

- Part 3 Housing Code
- Part 3A Rural Housing Code
- Part 3B Low Rise Housing Diversity Code
- Part 3BA Pattern Book Development Code
- Part 3C Greenfield Housing Code
- Part 3D Inland Code
- Part 4 Housing Alterations Code
- Part 6 Subdivisions Code
- Secondary dwellings code (Housing SEPP).

Additionally, there are 17 localised variations to these codes in the schedules of the Codes SEPP, for a total of 26 possible sets of applicable controls. Despite this variety of codes, many standards are shared between the codes. For example:

- The same height and gross floor area controls are shared across the Housing Code, Greenfield Housing Code and residential zones within the Inland Code.
- The same primary road setbacks and minimum landscaped area controls are shared between the Rural Housing Code and Inland Code.

Some differences, such as setback controls, reasonably account for differing contexts, locations and community expectations. However, the rationale for other differences is not always clear. For instance, the Inland Code and Rural Housing Code contain the same controls, but apply in different regions. This complexity creates an opportunity to consolidate existing codes, update development standards and reconsider eligibility criteria as part of a more streamlined and coherent framework for low-rise housing.

3.2.3 Development application pathways

3.2.3.1 Inconsistent and onerous local controls and assessment

If development does not meet the criteria for complying development, the only alternative pathway is a DA. Once in a DA pathway, the complying development standards are not relevant and different standards apply. Figure 4 highlights some of this complexity.

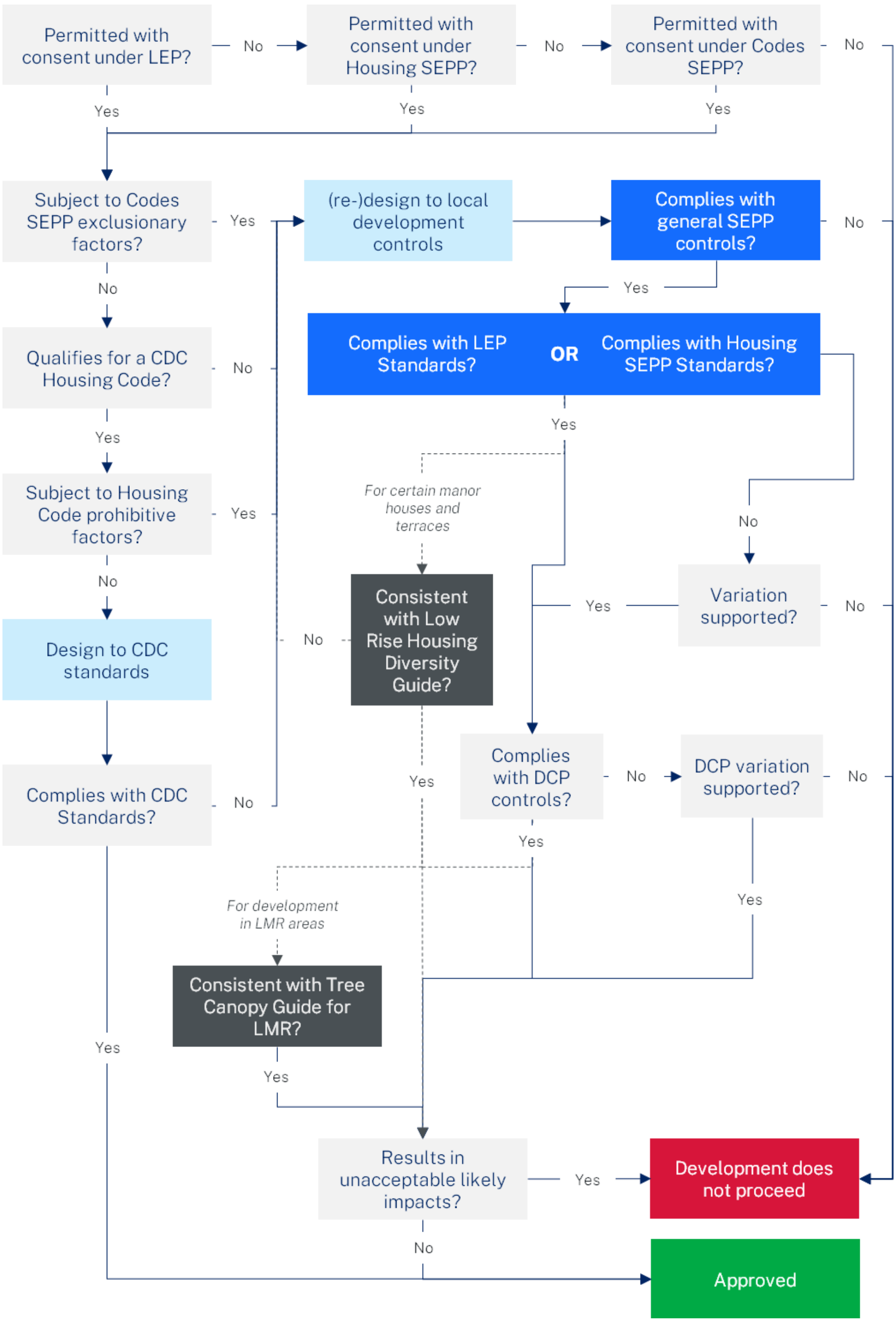


Figure 4: Existing CDC and DA process for low-rise housing

A major challenge with the current system is the inconsistency between statewide complying development codes and the local planning controls that apply to DAs. LEPs and Development Control Plans (DCPs) frequently apply different definitions, more restrictive or complex standards and additional or conflicting requirements. These controls, particularly those in DCPs, vary hugely between local government areas (LGAs), and even between areas within LGAs, leading to a piecemeal framework across the state.

Another layer of complexity arises from state policies like the Housing SEPP which override certain local controls and introduce another set of development standards. These controls are different to both the complying development standards and the local controls.

As a result, development that is unable to proceed as complying development may be subject to a wholly different regime of plans and policies.

The complexity of the system is reflected in the average determination time for all low-rise development over the last 5 years, which is 101 days, well above the timeframe that should be required for a simple form of development.

What do you think?

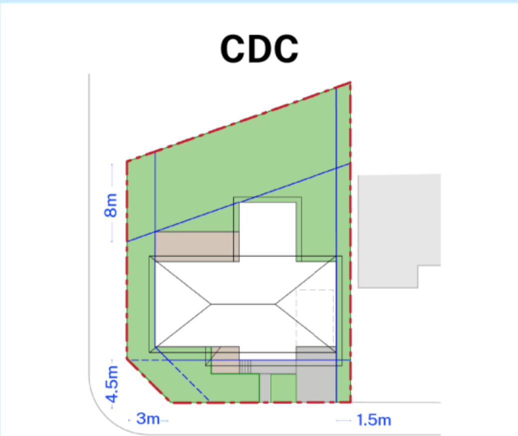
Does this capture the limitations of the current framework and key areas for reform? Are there other aspects of the system where we could make meaningful improvements?

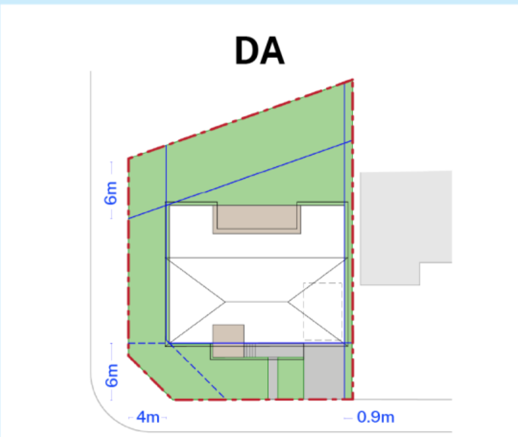
Case Study: Inconsistent development controls

Willow Drive, Baulkham Hills

R2 Low Density Residential Zone	Lot Area: 696 sqm	Lot depth: 23.7 m

Control	CDC	DA
Maximum height of buildings	8.5 m	9 m (+0.5 m)
FSR / GFA	335 sqm	N/A
Front setback – primary road (ground)	4.5 m	6 m (+1.5 m)
Front setback – secondary road (ground)	1.5 m	4 m (+2.5 m)
Front setback – secondary road (first storey)	2.5 m	4 m (+2.5 m)
Side setback (ground)	1.5 m	0.9 m (-0.6 m)
Side setback (first storey)	2.5 m	0.9 m (-1.6 m)
Rear setback (ground)	3 m	4 m (+1 m)
Rear setback (first storey)	8 m	6 m (-2 m)
Private open space	24 sqm	139 sqm (+115 m)
Total landscaped area	209 sqm	278 sqm (+70 m)
Site coverage	N/A	417 sqm
Maximum building footprint	N/A	313 sqm
Minimum lot depth	N/A	27 m (lot fails – DCP variation required)





Key takeaways

- The DA pathway imposes significantly more restrictive and land-intensive controls overall, meaning it is not a simple or proportionate step beyond CDC.
- Once outside the CDC pathway, applicants face a fundamentally different control regime, including larger setbacks, substantially higher private open space and landscaping requirements, and additional controls that do not apply under CDC.
- The DA pathway requires a minimum lot depth beyond that available on the site – despite containing an existing dwelling and being zoned for residential.
- These differences demonstrates that the DA pathway does not operate as a simple fallback to CDC.

Case Study: Complex controls
Manly DCP 2013

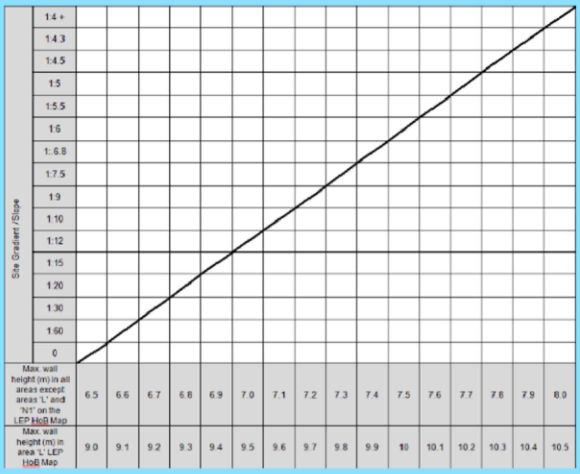
Wall height controls are set out in the Codes SEPP and many DCPs to manage visual amenity, safety, and consistency of built form. However, the way these controls are set out and specified varies considerably between the CDC pathway and some DCPs.

CDC Steps

1. Review section 3.10 which outlines applicable standards. A maximum wall height of 3.3m applies

DCP Steps

1. Survey natural ground level to establish the slope of the site
2. Review the height of buildings map in the Manly LEP 2013 to identify the 'Area' the site is located within
3. Review the table in Figure 26 of section 4.1.2.1 of the Manly DCP to establish applicable wall height control category based on mapped area
4. Review Figure 27 of section 4.1.2.1 to ascertain interpretation of wall height based on slope
5. Calculate wall height determining ratio gradient (vertical drop between top and bottom of development to horizontal distance from front to back walls of development)
6. Apply ratio to nomograph in Figure 28 of section 4.1.2.1 of the Manly DCP to establish applicable wall height control across the lot. Note that the applicable height varies between each wall / elevation.



Manly DCP Section 4.1.2.1 Figure 28

The comparison highlights disparities in complexity between CDCs and DAs: in one instance a single clause and set of numeric standards compared to navigating multiple documents, maps, tables, figures and interpretive steps. The DCP example appears to have been designed to deal with site slope in a flexible way but applies generally across lots of any incline where the DCP applies. It also applies a unique definition of natural ground level not reflected in the Standard Instrument. It is noted that, while the controls shown here are not exactly the same in their application, the difference in their approach and presentation is the focus of the comparison.

4 The opportunity for low-rise housing

4.1 A single low-rise housing code

The vision for low-rise housing in NSW is to establish a single, standardised code that applies across the state. This would be achieved by creating consistent development standards for complying development and the targeted assessment DA pathway. This would involve repealing and replacing the existing low-rise housing codes available for complying development and unifying them with a single set of standards that apply to **both** targeted assessment and complying development. This unified approach will make requirements easier to understand and access, fostering greater clarity and efficiency in housing approvals. The principal objective of this process is to have one set of controls for each housing typology across NSW – regardless of which pathway you are assessed under.

Under this model, most low-rise residential development would be assessed through either a complying development pathway or a targeted assessment pathway under the same unified code. Only sites with constraints that require bespoke design solutions, such as land affected by coastal hazards, would continue to use a traditional DA pathway.

The CDC pathway will continue to operate as it currently does, but with clearer, simpler standards.

The targeted assessment pathway would replace the fragmented standards dispersed throughout LEPs, other environmental planning instruments, DCPs and the broader considerations under section 4.15(1) (that do not apply to targeted assessment development). Assessment effort would focus on merit-based consideration against clearly defined standards and objectives instead of a broad consideration of all likely impacts, the public interest and the suitability of individual sites.

This would radically simplify the planning layers that must be considered when undertaking a low-rise housing project. Figure 5 demonstrates how a development might proceed under the code in a variety of scenarios.

4.2 What would a single code include?

4.2.1 Clear eligibility framework

The code would simplify and improve the exclusions and eligibility criteria for CDC while also clearly defining the eligibility for targeted assessment. This would support greater certainty for applicants and consent authorities and reduce the likelihood of otherwise low-impact proposals being diverted into more complex assessment pathways.

4.2.1.1 Permissibility

Permissibility for all low-rise housing would be clearly and consistently reinstated to LEPs. Achieving this would necessitate amendments to multiple EPIs, including the Standard Instrument LEP.

Key changes to support this approach could include recognising manor houses as a distinct use in the Standard Instrument LEP, reflecting their closer alignment with multi-dwelling housing, and relocating low-rise housing permissibility currently contained in the Housing SEPP into LEPs.

While these changes would require detailed consideration and are likely to be implemented over the longer-term, they represent an important step toward a more legible and integrated approach to permissibility.

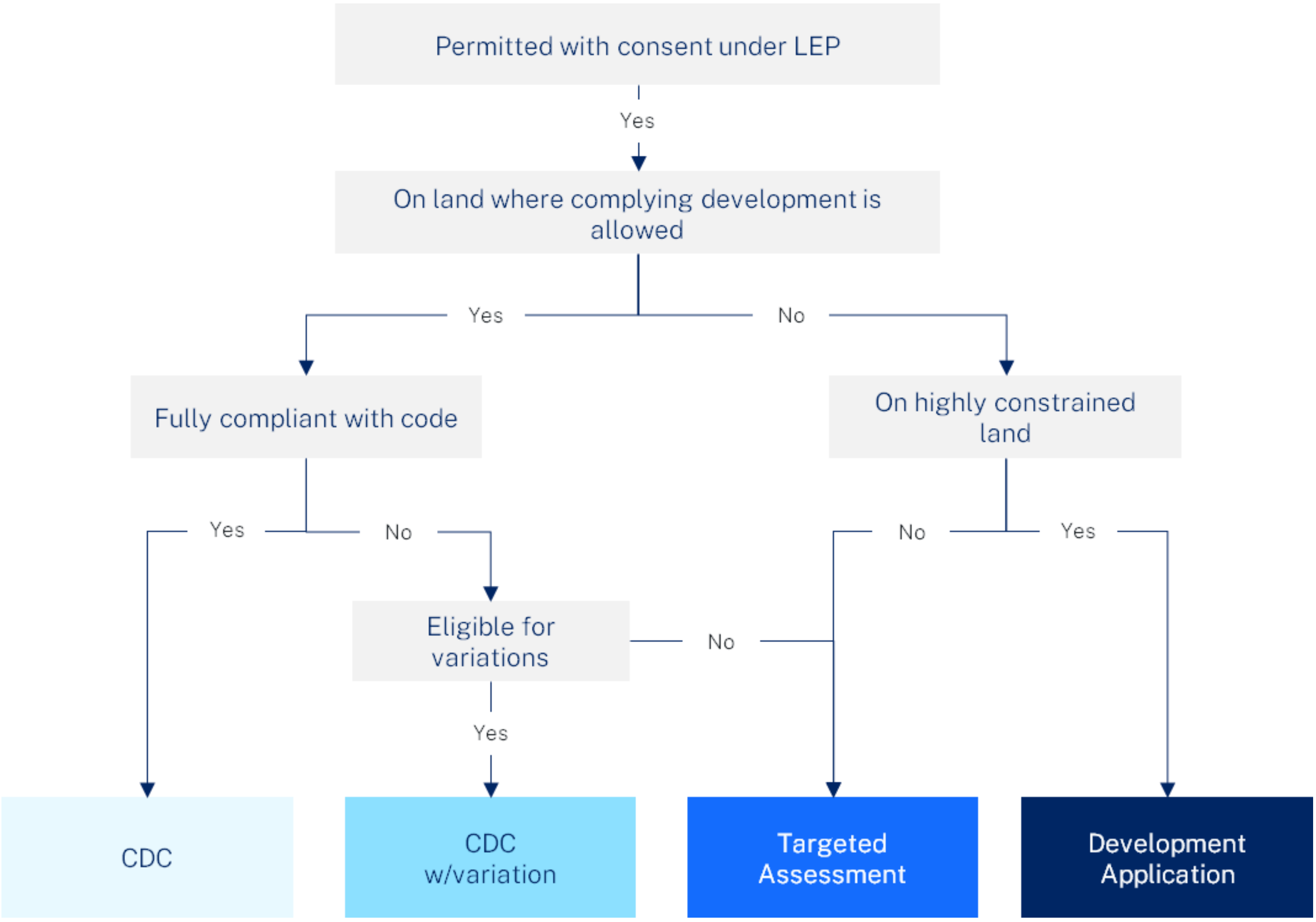


Figure 5: Low-rise housing pathways – future state

4.2.1.2 Zoning

In moving towards a more standardised approach, the differentiation and consistent use of zones across NSW will become more important. Guidance around this will be considered as part of future implementation.

4.2.1.3 Definitions

A critical element of a single code would be identifying overlaps, contradictions and gaps in definitions across the planning system. This would involve reviewing and standardising definitions from various SEPPs (see Appendix A) into the Standard Instrument LEP. These consolidated definitions would form the basis for the operation of the controls in the code.

4.2.1.4 Natural hazards and environmental constraints

A key role of a single code would be to provide clearer and more consistent management of natural hazards and environmental constraints across assessment pathways. This would explore opportunities to improve mapping, definitions and thresholds to identify affected land. The code could include a clear, up-front chapter that sets out how different hazards and environmental constraints are managed across pathways. An example of how constraints could be managed across pathways is provided in Figure 6.

Environmental Constraints	Alterations and additions		Replacement dwelling		New dwelling/s	
No constraints	✓ CDC	✓ TA	✓ CDC	✓ TA	✓ CDC	✓ TA
Flood – no/low hazard	✓ CDC	✓ TA	✓ CDC	✓ TA	✓ CDC	✓ TA
Flood – high hazard	✓ TA		✓ TA		✗ Excluded	
Bushfire (≤BAL-29)	✓ CDC	✓ TA	✓ CDC	✓ TA	✓ TA	
Bushfire (BAL-40)	✓ TA		✓ TA		✗ Excluded	

Figure 6: Example Environmental Constraints Matrix

4.2.2 Controls all in one place

The code would bring together all controls relevant to the assessment of low-rise housing in one location. Each control would contain both standards and related objectives, supported by diagrams, figures and tables to explain the requirements in the clearest and most user-friendly way.

The controls would also clearly set out the development types to which they apply, as well as the circumstances in which they apply. This could be set out in the individual control or in the overall structure of the code.

Figure 7 provides an example of how the controls could be set out in the proposed code. The various elements are explored further below.

Height of buildings

Objectives

1. Building height is consistent with the desired scale and character of the street and locality.
2. Building height results in no or minimal adverse impacts on the amenity of adjoining properties, the street or public spaces.
3. Building height maintains adequate access to sunlight into buildings and open spaces.

✔ CDC variation available

Must not exceed an additional 0.5m of building height

Standards

Complying Development | Targeted Assessment

1. Maximum building height is consistent with the table below.

Type	Maximum building height (m)
Dwelling House	8.5
Dual Occupancy	8.5
Multi-dwelling housing	9
Manor House	8.5

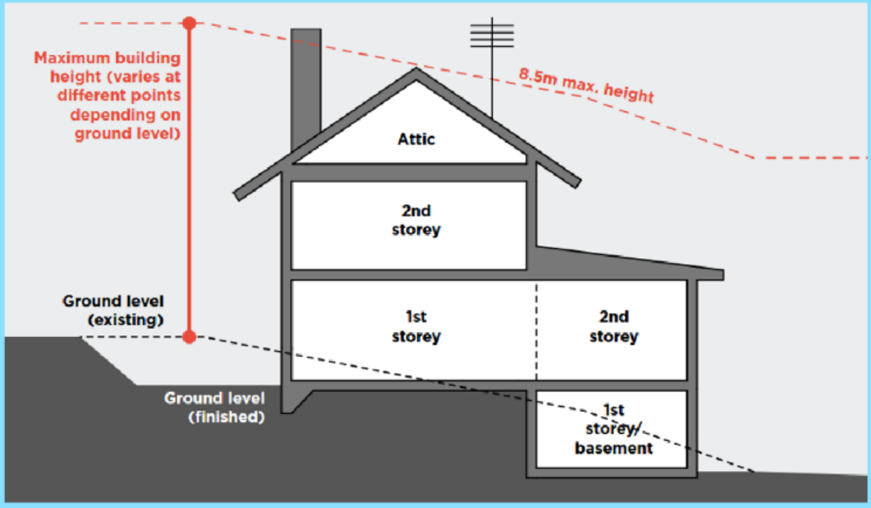


Figure 1: Measuring building height

Figure 7: Example height of buildings controls layout

4.2.2.1 Matters contained in the code

The code would primarily address design-related matters, adopting a similar approach to existing CDC controls for low-rise housing. Standards such as height, floor area, setbacks and open space controls would be key tenets of the code.

Other environmental matters that are being considered for inclusion are:

- dark sky impacts near Siding Spring Observatory
- tree retention, removal and landscaping
- development affected by aircraft noise
- services
- biodiversity
- stormwater
- waste management
- mine subsidence
- contamination.

Where not included in the code, clear links or references to applicable standards would be included.

> What do you think?
>
> Which standards should be included in the code and which standards are more appropriately left outside the code in existing SEPPs, LEPs and DCPs?

4.2.2.2 Standards

Each control would contain a numerical standard. In most cases, a single standard would apply to both the CDC pathway and the targeted assessment pathway. In some cases, however, a standard would only apply to targeted assessment (e.g. where it relates to land on which complying development cannot be carried out).

Under the CDC pathway, the standard would operate as a complying development standard. Where all applicable standards are met, a CDC may be issued. As discussed in section 3.2.2, the creation of a single code would provide an opportunity to both consolidate and simplify existing codes and update standards to ensure they are delivering the best design outcomes. Where necessary, the code could incorporate different standards to reflect different locations or zones. For example, setback requirements are likely to differ between rural and urban areas.

Figure 8 shows how consolidation could be delivered. In this scenario, all standards relating to low-rise residential would be consolidated into a new single housing code. Non-residential development currently regulated through the Rural Housing Code and Inland Code, such as dams, would be consolidated into a rural development code with the Agritourism and Farm Stay Accommodation Code. This would provide a single location for all non-residential rural development within the Codes SEPP.

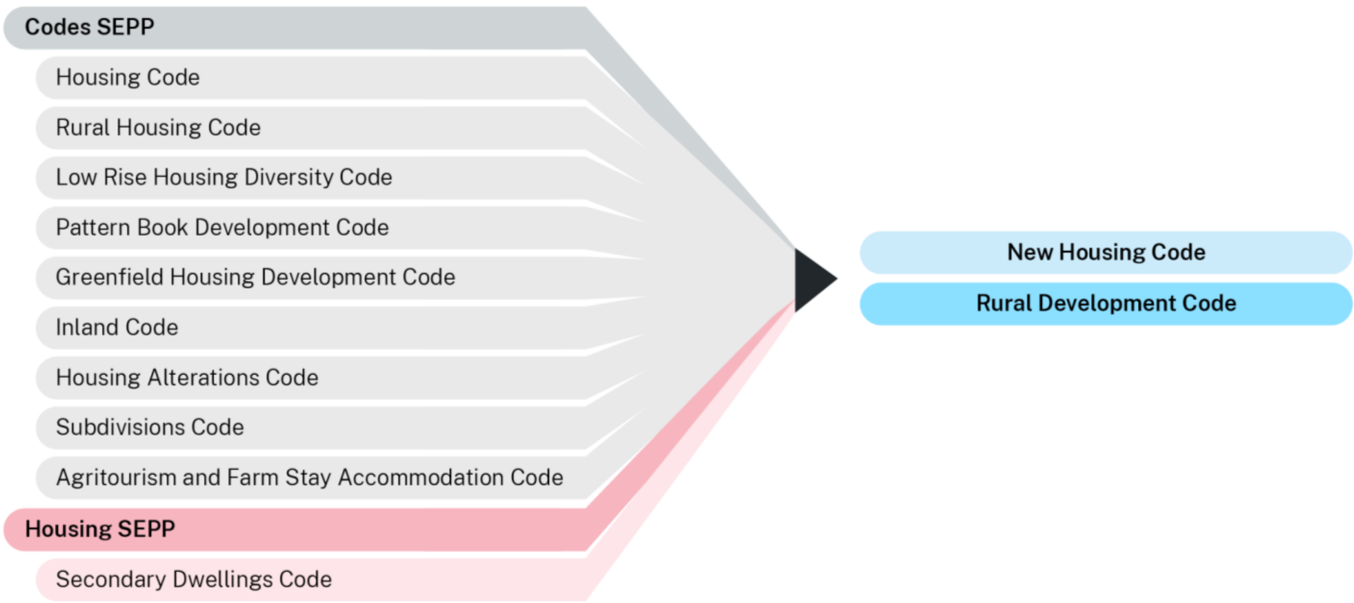


Figure 8: Potential consolidation of existing codes

For targeted assessment, these same controls would operate as non-discretionary development standards. If a non-discretionary development standard is met, the consent authority cannot take the standard into further consideration in determining the DA. The declaration of targeted assessment would also switch off other merit considerations under section 4.15, such as the likely impacts of the development and the suitability of the site, on the basis that these matters are addressed through the detailed controls in the code.

The non-discretionary development standards would largely replace a range of DCP and LEP controls. This would significantly improve alignment between the outcomes of the CDC and DA pathway, reducing inconsistency and unnecessary variation in assessment outcomes.

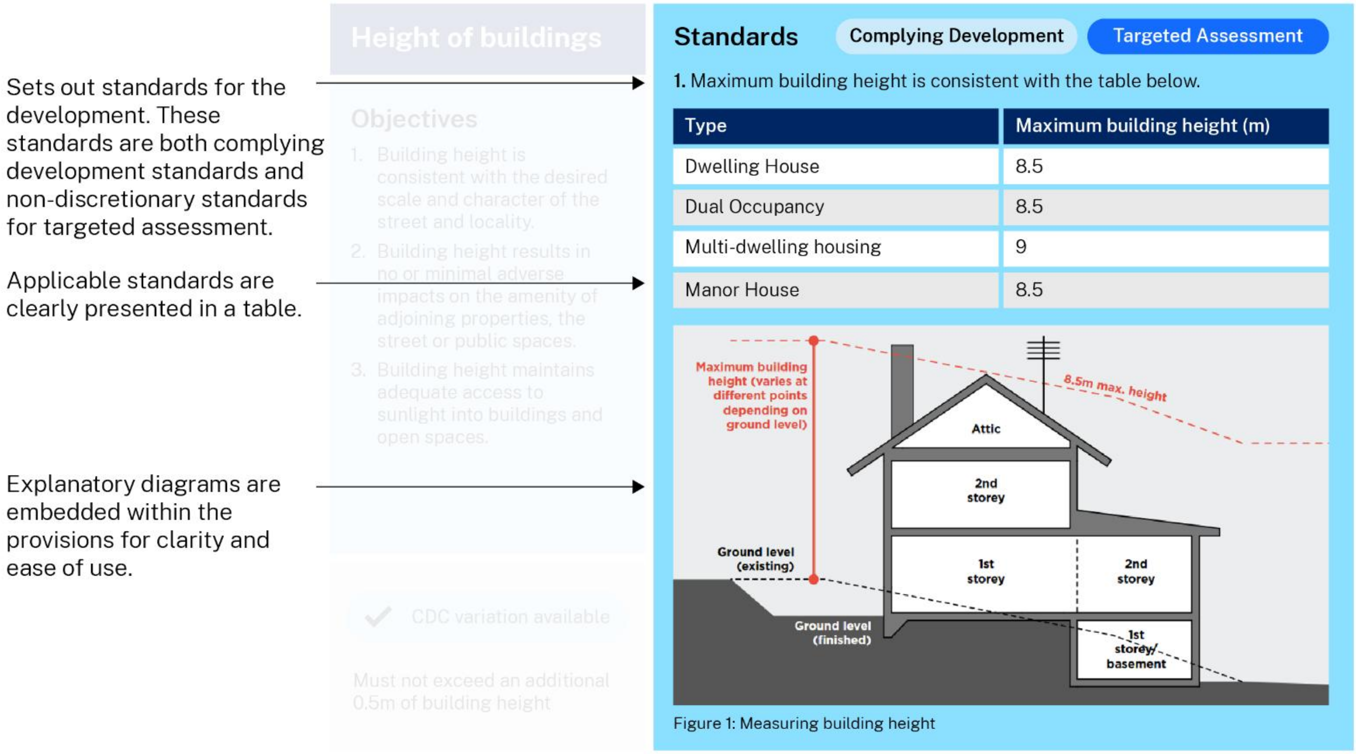


Figure 9: Example standards layout

4.2.2.3 Objectives

Each numerical standard would be accompanied by a set of objectives that outline the outcomes the standard is intended to achieve. The objectives would serve 2 purposes:

- CDC pathway - where a variation to a CDC standard is available, councils would be required to assess the variation request against the relevant objectives. Each control will indicate whether a variation is available and to what extent (as shown in the example in Figure 10). The objectives would not be applied in cases where no variation is sought, maintaining certainty for certifiers.
- Targeted assessment pathway - where a non-discretionary development standard is not met, the acceptability of the non-compliance would be assessed on merit against the relevant objectives.

This approach will allow standards to be varied without relying on Clause 4.6 of the Standard Instrument.

Even though these variations would not be required to meet the requirements of clause 4.6 of the Standard Instrument, an objectives-based approach would reduce ambiguity for applicants and consent authorities, limit opportunities for lobbying or selective intervention, create a clearer and more consistent approach across the state, and ensures decisions can be understood and justified.

The Department is committed to reducing opportunities for corrupt conduct in the planning system. The Independent Commission Against Corruptions Operation Dasha Investigation Report (March 2021) investigation into councillors of the former Canterbury City Council highlighted how discretionary and inconsistent use of Clause 4.6 of the Standard Instrument had created space for undue influence, opaque decision making and, in some cases, variations being used as a “de facto plan making device” rather than their intended purpose.

This investigation resulted in several changes to Clause 4.6 of the Standard Instrument and the introduction of new procedures for monitoring and reporting.

To support the findings of this investigation, procedural reporting and auditing requirements are proposed to accompany the objectives-based variation approach in the code. This could require reporting of certain targeted assessment variations such as height, floor space ratio and minimum lot size, which could be made publicly available through the Department's online variations register.

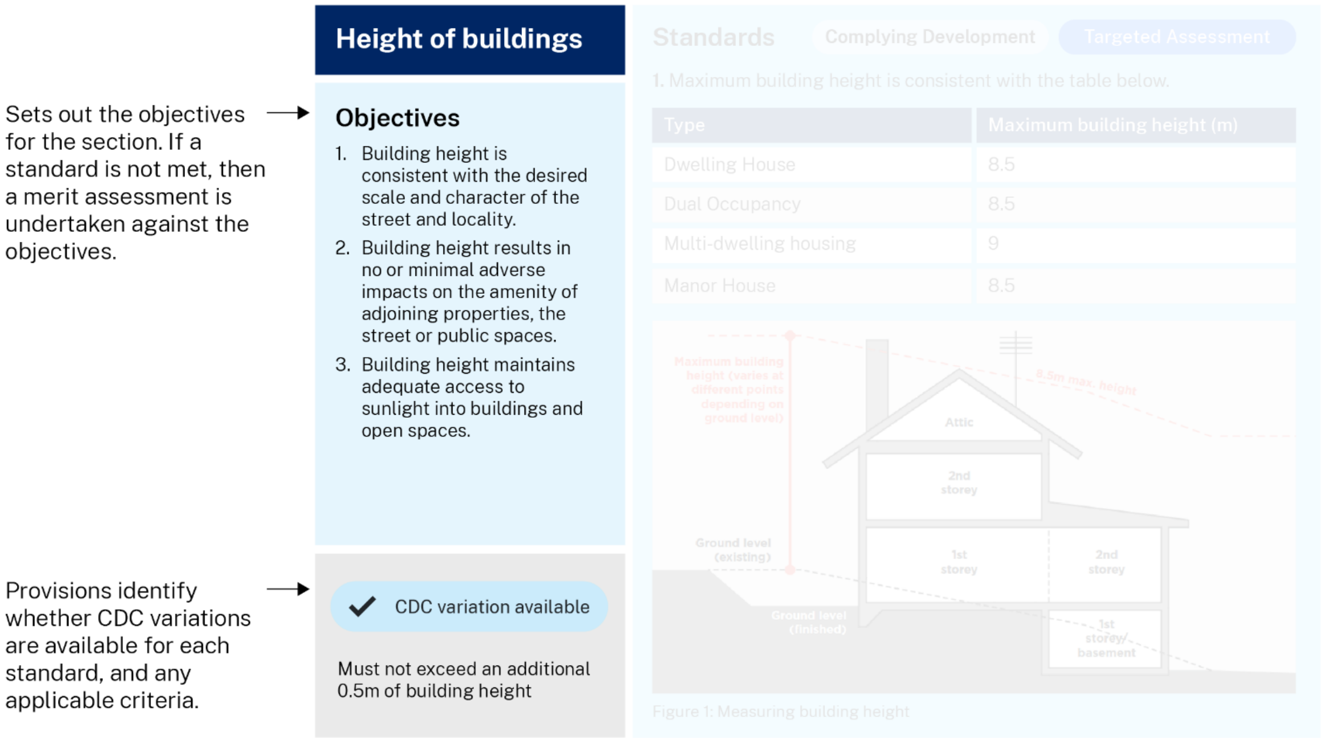


Figure 10: Example objectives layout

4.2.3 Guidance to promote good design

The code would include guidance to support applicants in achieving good design outcomes. Guidance could be embedded into the controls or provided as a dedicated chapter similar to Chapter 3 of the *Low Rise Housing Diversity Design Guide for Development Applications*. Guidance would assist building designers to understand how development should relate to its immediate context, interface with other buildings and the public domain, and provide quality landscaped areas. An example is shown in Figure 11.

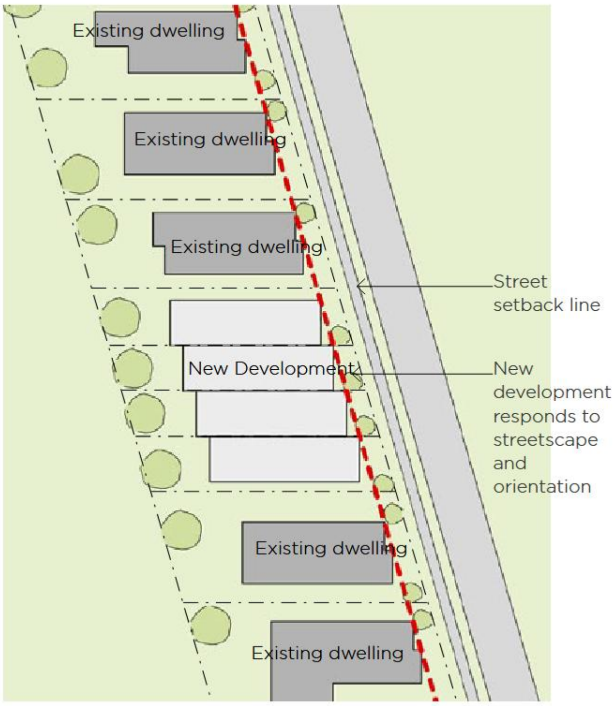


Figure 3-65 Built form responds to and complements surrounding streetscape and setbacks

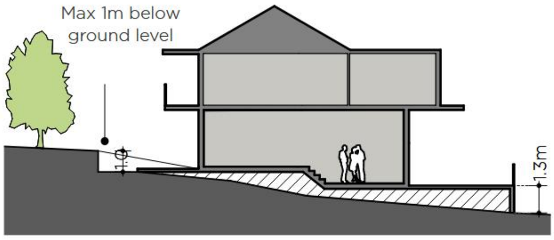


Figure 3-63 Reduce visual impact of basement entries by reducing the scale of the opening

Figure 3-64 Reduce visual impact of basement entries by reducing the scale of the opening

Figure 11: Example design guidance from the Low Rise Housing Diversity Design Guide for Development Applications

4.3 Key benefits

Key benefits of a single code for low-rise housing include:

- **Streamlined access:** Inexperienced applicants would benefit from having all the information and requirements in one place, reducing confusion and the need for specialist advice.
- **Consistency:** A unified code would promote more consistent treatment of low risk, low-rise housing applications regardless of location. This would reduce variability in outcomes and provide greater certainty.
- **Efficiency:** Consolidating standards and controls would accelerate assessment timeframes, reduce duplication and lower costs for applicants. This would enable planning resources to focus on higher-risk proposals that warrant detailed merit assessment.
- **Flexibility:** The code would support multiple assessment pathways including CDC (with or without variations) and targeted assessment. This would give applicants clear, proportionate development pathways that are aligned to the nature and impact of their proposal.

Ultimately, a one-stop shop for low-rise housing has the potential to radically simplify the planning system, making it more accessible and efficient for all users. This would not only support greater housing supply and diversity but also empower a broader range of participants to confidently engage with the planning process.

The proposed code would also move NSW towards a more modern, fit-for-purpose framework consistent with systems that have emerged in other jurisdictions in Australia.

In Western Australia, residential development is largely regulated through the Residential Design Codes (R-Codes) which operates as a single, statewide instrument. It sets out detailed, largely numeric development standards for residential development. Controls are presented in a deemed-to-comply format, with a distinction between standards that must be met and those with limited discretion. Minor departures can be supported where the decision-maker is satisfied that the proposal meets the underlying design objectives.

Victoria's approach also places strong emphasis on the presentation of controls through defined assessment pathways. Under the 'VicSmart' pathway, controls are deliberately pared back and presented as a limited set of standards and considerations. Non-relevant provisions of planning schemes switched off to reduce assessment scope and complexity. Variations to controls are assessed against targeted 'decision guidelines' that relate to the key impacts relevant to a given control.

What do you think?

Do you see this consolidation as a helpful step towards a simplified framework?

Are there any instruments you would like to see included or excluded from a consolidated code?

5 Interaction with the broader planning system

5.1 Impact on other planning instruments, documents and pathways

5.1.1 SEPPs

As part of this consolidation, amendments to existing SEPPs would be required to remove, relocate or switch off provisions that duplicate or conflict with the code. In particular, elements of the Codes SEPP and the Housing SEPP would be reviewed and, where appropriate, incorporated into the consolidated code. This would reduce the number of separate instruments applicants and consent authorities must reference and improve alignment between complying development and development application pathways.

Other SEPPs would continue to operate where they address matters outside the scope of the low-rise housing code, such as state significant development or broader policy areas. Precinct-specific SEPPs may require additional consideration to determine how equivalent zones, definitions and standards interact with the code, with the aim of applying consistent controls wherever practicable.

5.1.2 LEPs

LEPs will continue to play a central role in the NSW planning system under the proposed low-rise housing reforms. Specifically, LEPs will remain the primary instrument for establishing zoning, land use permissibility and lot size controls. However, the introduction of a consolidated low-rise housing code and the targeted assessment pathway would change how LEPs interact with detailed development controls for low-rise housing.

Over the longer-term, the reforms present an opportunity to simplify the planning framework by consolidating low-rise housing permissibility back into LEPs, restoring their role as the single, authoritative source of land use permissibility.

While LEPs would continue to establish these strategic controls, their role in regulating detailed built form outcomes for low-rise housing would be reduced. Core development standards and objectives would be consolidated into the low-rise housing code and would apply consistently across the complying development and targeted assessment pathways.

By concentrating detailed controls within a single code, LEPs would more clearly focus on their strategic land use planning function.

As part of implementation, existing LEP provisions relating to low-rise housing would need to be reviewed to identify controls that duplicate, conflict with, or are intended to be replaced by the code. Some LEP provisions may continue to apply where they address matters not suited to statewide standardisation, e.g. acid sulfate soils and other mapped constraints.

5.1.3 DCPs

DCPs currently play a substantial role in the assessment of low-rise housing, particularly where development does not qualify for complying development. In many cases, DCPs introduce detailed, location-specific controls that differ from, or duplicate, standards contained in the Codes SEPP and the Housing SEPP. This has contributed to inconsistent outcomes, increased complexity for applicants, and materially different outcomes depending on the assessment pathway.

Under the proposed reform framework, the role of DCPs in regulating low-rise housing would be reduced. Core development standards and objectives relevant to low-rise housing would be consolidated into the single low-rise housing code and would replace many existing DCP controls.

This is intended to improve alignment between outcomes under complying development and development application pathways and to reduce the step-change in controls that currently occurs when a proposal falls outside CDC eligibility.

DCPs may continue to have a role where they address matters not captured by the low-rise housing code, or where site-specific or precinct-specific considerations remain necessary (see also section 5.1.7). This may include, for example, controls relating to heritage, waste management, or other locally-specific matters that are not suited to statewide standardisation. For any development not covered by the code, DCPs would continue to operate as normal.

5.1.4 Exempt development

It is not proposed to incorporate exempt development provisions into the low-rise housing code as these apply broadly across a range of development types. However, opportunities for amendments to and simplification of the exempt development framework may be explored as a consequence of the consolidation of complying development provisions.

What do you think?

Should exempt development provisions relevant to low-rise housing be included in a consolidated code or continue to be dealt with separately?

5.1.5 Pattern book development

Pattern book development is a bespoke pathway that is highly prescriptive, with designs developed in detail and pre-endorsed by Government Architect NSW.

Given its bespoke nature, wholesale integration of low- or mid-rise pattern book development into the low-rise housing code is unlikely to be appropriate. Pattern book development would continue to be accessible using existing pathways and may benefit from broader system improvements and simplification.

5.1.6 DA pathway for constrained land

For land that is not eligible for either the complying development or targeted assessment, development would continue to be assessed through the traditional DA pathway. This pathway would apply where sites are subject to high-risk, complex or unresolved constraints, or where the nature of development requires a full merit assessment. In these circumstances, the full range of matters under section 4.15 would continue to apply, ensuring that site-specific impacts, suitability and public interest considerations are appropriately assessed. The existing framework of development controls under SEPPs, LEPs and DCPs would also continue to apply in these cases.

It is envisaged that once a standardised code is introduced, this pathway would only need to be utilised by a small percentage of low-rise housing development.

5.1.7 Master planned development

A key consideration in the development of the code will be its applicability to master planned residential development. Across greenfield growth areas in Greater Sydney and throughout NSW, master planning is common practice accompanying land releases and subdivision. While many of these estates are planned around CDC controls, extensive site-specific detail is usually included in DCPs that go beyond typical low-rise residential controls. For instance, many precinct DCPs include:

- Indicative layout plans
- Road hierarchy
- Pedestrian and cycling network
- Open space

These types of requirements will remain relevant to the broader development and subdivision of future precincts, but the code could be applied to the design of low-rise housing within new and potentially some existing precincts, such as the growth centres.

5.2 Constrained land

5.2.1 Natural hazards

Natural hazards can include a bushfire, coastal hazard, cyclone, drought, earthquake, flood, heatwave, landslide, severe thunderstorm, extreme heat, tornado and tsunami. Some of these events are unpredictable and are not typically managed through land use controls. Others, such as coastal hazards, flooding and bushfire primarily affect at-risk areas that are identified within the planning system.

Land affected by mapped hazards is often ineligible for CDC. As a result, it is desirable that targeted assessment applies to low-rise housing within areas potentially affected by natural hazards, where risks can be appropriately managed through development and construction standards.

For affected land, the guiding principle for the application of targeted assessment will be avoiding intensification of land use on sites deemed to be meaningfully affected by natural hazards. On land where a dwelling is permitted, it is proposed that:

- An equivalent dwelling of the same type could be constructed to replace an existing dwelling, consistent with the code.
- Alterations and additions to an existing dwelling could be undertaken in accordance with the code.
- All development would be subject to compliance with key development or construction standards to ensure safe and improved resilience over existing conditions.

If land is so seriously affected by natural hazards such that the erection of a new equivalent dwelling would pose an unacceptable risk, rezoning to prohibit residential development may be the most appropriate policy response. The recently exhibited Tolerable Risk Guideline will also inform further work in this space.

What do you think?

Should hazard affected land be eligible for targeted assessment?

Do you agree with the principle of avoiding residential land use intensification?

Do you have any other comments or concerns related to natural hazards?

5.2.2 Heritage

Development of land that is heritage listed or within a heritage conservation area (HCA) must be responsive to the particular heritage values sought to be protected. Heritage affected land cannot access the CDC pathway and is not suited to a standardised code. However, rollout of the code may allow councils to consider whether existing assessment requirements reasonably facilitate appropriate development and whether a more consistent approach is possible across LGAs.

What do you think?

Should HCAs be included in the reform? Should heritage items be excluded?

5.3 Non-standard residential zones

5.3.1 Conservation zones

Conservation zones are intended to protect land with high environmental, scientific, or aesthetic value. Two of these zones, C3 Environmental Management and C4 Environmental Living, permit dwelling houses under the Standard Instrument. In some LGAs, dwelling houses are also permitted in the C2 Environmental Conservation zone. These zones are applied to a wide range of different land use conditions across rural and metropolitan areas. For example, the C4 Environmental Living zone is used extensively in waterfront areas in Sydney's Northern Beaches and in bushland adjacent areas across Sydney.

The preliminary policy position is that targeted assessment could apply to permissible low-rise housing in conservation zoned land that has a predominantly residential character and is not subject to significant site constraints. Highly constrained land – irrespective of zoning – is already proposed to be excluded from the code. Any policy application in these zones would need to operate with caution to ensure that outcomes do not undermine the conservation functions of the zone. Additional controls may be required to ensure development aligns with the objectives of the zone.

What do you think?

Should conservation zones be included in the reforms?

Are there any specific concerns with applying targeted assessment in these zones?

5.3.2 Other

There are a range of non-standard residential zones, typically associated with specific precinct planning processes that were undertaken prior to the commencement of the Standard Instrument. One example is the ‘Urban zone’ given effect in St Marys under Chapter 6 of *State Environmental Planning Policy (Precincts – Western Parkland City)*.

The preliminary policy position is that, as far as possible, the same codes and standards should apply across these non-standard zones, unless a precinct is being actively developed under an approved master plan.

One approach being investigated is similar to that used in the Codes SEPP, which allows the Planning Secretary to certify that a zone in an environmental planning instrument is or is not an equivalent zone for the purposes of the SEPP. It is unclear whether the examples noted above are considered equivalent zones under the SEPP at present.

5.4 Non-standard residential typologies

The reforms also consider whether certain specialised low-rise housing types should be included as part of consolidation and simplification. Some group homes and boarding houses could be captured within the low-rise housing category, but the preliminary policy position is to exclude them. These forms of housing are typically delivered by specialised providers, represent a very small share of development activity, and are already supported by fit-for-purpose planning controls.

Rural workers’ dwellings are also proposed to be excluded. While these dwellings can be justified in specific circumstances, there are concerns that additional permanent dwellings could increase subdivision pressure or undermine rural zone objectives. Existing policy settings encourage flexibility and temporary built forms where possible, and these dwellings differ significantly from standard housing outcomes.

There are other forms of low-rise housing that currently do not have access to a CDC pathway and must proceed through a DA. These include dual occupancies that are located one behind another on non-corner allotments and villa type development that is accessed via a private road. Consistent CDC and targeted assessment standards will be considered to expand access to a wider range of housing typologies.

What do you think?

Should the code include standards for a broader range of low-rise housing typologies? Should it provide both a CDC and targeted assessment pathway?

5.5 Referrals and exhibition

Referrals and exhibition requirements for low-rise housing intersect with other initiatives under the PSR Act, namely the Development Coordination Authority (DCA) and the introduction of a statewide Community Participation Plan (CPP). At this stage, it is not proposed to turn off any referral provisions relating to low-rise housing. However, these reforms will benefit from the new framework for statutory inputs on DAs, which proposes to consolidate more than 800 triggers for concurrences or consultation with government agencies and other bodies spread across 175 planning instruments. This framework was exhibited from 29 January until 25 February 2026.

Exhibition requirements for targeted assessment applications will be influenced by the finalisation of the statewide CPP, which is currently on exhibition until 3 June 2026. The draft CPP proposes that low-rise housing applications will be exempt from public exhibition and notification where the development:

- is permissible in the relevant zone
- meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy
- does not include a 4.6 variation.

The proposed exhibition requirements for targeted assessment under the low-rise housing code will be set out in detail in any future EIE.

Complying development would continue not to be subject to public exhibition.

5.6 Other matters

5.6.1 Minimum lot size and subdivision

Analysis of existing LEPs demonstrates a high degree of variation in how minimum lot size and subdivision controls are structured, including the use of fixed numeric controls, density-based controls, map-based approaches and complex hybrid clauses that combine several mechanisms in a single provision.

To align with the overarching vision for an improved and simplified user experience, opportunities for standardising the way these controls are presented within LEPs is being explored. At this stage, no substantial changes to existing numeric lot size controls are proposed.

Subdivision of certain low-rise housing typologies is currently catered for in the Codes SEPP. This would continue to be accommodated in the low-rise housing code and expanded into the targeted assessment pathway to achieve better alignment between CDC and DA pathways.

Some complexity arises with rural subdivision, which is typically controlled by a range of standard and non-standard LEP provisions directed at minimising land fragmentation and land use conflict. At this stage, rural subdivision controls would not be consolidated into the low-rise housing code.

In the future, a more standardised approach to dwelling entitlements and rural subdivision would support a wider range of housing options in rural areas, while still protecting agricultural productivity and land use objectives. It would also allow a clearer path to eligibility for the standardised housing code in rural areas.

6 Implementation

6.1 Staged implementation approach

The reforms proposed in this paper are far-reaching and will require significant changes to a range of EPIs and other planning documents.

Implementation will need to be carefully staged to ensure that overlapping or duplicative provisions are repealed or incorporated into the low-rise housing code at the point new arrangements commence.

The first stage of the low-rise housing code is likely to focus on residentially zoned land with minimal constraints and a subset of low-rise housing including dual occupancies, manor houses and multi dwelling housing. The scope and details of this first stage will be subject of a detailed EIE following consideration of feedback received on this Discussion Paper.

Future stages would progressively expand the low-rise housing code to cover other forms of low-rise housing, including dwelling houses, secondary dwellings and alterations and additions, and more complex locations.

What do you think?

What do you think should be the first stage of the code?

6.2 Explanation of intended effect

Before any development can be declared to be targeted assessment, section 4.20A(3) of the EP&A Act requires an EIE to be publicised and submissions sought and considered. The EIE would include:

- a proposed declaration of the specified low-rise development as targeted assessment
- the environmental planning instruments proposed to be amended
- how the proposal meets the principles in section 2
- the low-rise typologies that are proposed to be included in the declaration
- any proposed locational or hazard related restrictions or inclusions
- a description of the standards, requirements, objectives and/or controls proposed to be contained within the low-rise housing code
- proposed exhibition requirements for applications made under the targeted assessment pathway
- the proposed application of other SEPPs, LEPs and DCPs to assessment of targeted assessment DAs and the application of any referral and concurrence requirements.

The EIE would also include proposed amendments to the Codes SEPP to consolidate the existing codes, provide variations to complying development standards, and any proposed amendments to the Standard Instrument LEP.

Appendix A – Inconsistencies in low-rise housing definitions

Land use term	LEP Definition	Codes SEPP Definition	Comment
Dwelling house	***dwelling house*** *means a building containing only one dwelling.*	***dwelling house*** *means a building containing one dwelling, an attached dwelling or a semi-detached dwelling, but does not include any part of the building that is ancillary development, attached development, detached development or exempt development under this Policy.*	The Codes SEPP definition is broadened to encompass attached dwellings and semi-detached dwellings so that these typologies can benefit from the relevant complying development provisions relating to dwelling houses.
Manor house	[Not defined – defaults to definition of ***residential flat building***]	***manor house*** *means a residential flat building containing 3 or 4 dwellings, where—* *(a) each dwelling is attached to another dwelling by a common wall or floor, and* *(b) at least 1 dwelling is partially or wholly located above another dwelling, and* *(c) the building contains no more than 2 storeys (excluding any basement).*	The Codes SEPP sets up a sub-definition of residential flat building in order to provide for standards that relate only to residential flat buildings of 1 or 2 storeys.
Multi-dwelling housing (terraces)	[Not defined – defaults to definition of ***multi-dwelling housing***]	***multi dwelling housing (terraces)*** *means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.*	The Codes SEPP sets up a sub-definition of multi-dwelling housing to relate specifically to terraces. This allows specific controls relating to terrace housing to be provided.
Dual occupancy (attached)	***dual occupancy (attached)*** *means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.*		The Codes SEPP makes provision for an undefined additional variety of dual occupancy: an attached dual occupancy where part of a dwelling is located above part of another dwelling. The result is two separate kinds of controls applying to dual occupancies (attached) depending on their arrangement, which can be difficult to distinguish

Land use term	LEP Definition	Codes SEPP Definition	Comment
			between without separate definitions.
Precinct SEPPs definitions			
In addition, there are numerous parts and schedules within the Precinct SEPPs that do not adhere to standard instrument definitions, with modifications made to the definitions of various low-rise housing typologies. These include manor homes, multi-dwelling housing and studio dwellings.			

Appendix B – Summary of CDC eligibility

Exclusionary

Exclusionary factors specify exclusions for all complying development and are generally characterised as broader overlays (sometimes specified in other legislation) that, because of their sensitive nature, necessitate the exclusion of complying development. Some examples of exclusionary factors include:

- Heritage items
- Environmentally sensitive areas
- Wilderness areas

Qualifying

Qualifying factors specify the kinds of development that a particular code permits and/or the zones in which it applies. For instance, the Inland Code requires that a lot is located in an inland LGA, and in Zone RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 or R5 and applies to development for the purposes of 'the erection of a new 1 or 2 storey dwelling house and any attached development'. Other requirements in this category may include a lot being mapped within a particular area, as is the case for the Greenfield Housing Code.

Prohibitive

Prohibitive factors specify environmental overlays or site/building conditions and stipulate that, if land is affected by the relevant overlay, then development for the specified purpose cannot be undertaken as complying development, despite the exclusionary and permissive preconditions. Examples of prohibitive factors include:

- Flood storage and high hazard areas
- Land affected by landslide risk
- Building over a registered easement

Standards

Standards are set out in the Codes SEPP and must be complied with for a proposal to be complying development. Examples of standards include:

- Height
- Gross floor area
- Setbacks

Appendix C – Existing complying development codes for low-rise housing

Code / Controls	Where it applies	Qualifying criteria
Codes SEPP – Part 3 Housing Code	LGAs east of the Great Dividing Range	The lot must: • be in Zone R1, R2, R3, R4 or RU5, **and** • have an area not less than 200m², **and** width of at least 6m measured at the building line, **and** • there must only be 1 dwelling house on the lot at the completion of the development, **and** • have lawful access to a public road, **and** if on a battle-axe lot, be at least 12m by 12m and must have an access laneway that is at least 3m wide, **and** • if on a corner lot, be at least 6m wide at the primary road boundary.
Codes SEPP – Part 3A Rural Housing Code	LGAs east of the Great Dividing Range	The lot must be: • in RU1, RU2, RU3, RU4, RU6 or R5, **and** • in Zone RU1, RU2, RU4 or RU6 have an area of at least 4,000m²
Codes SEPP – Part 3B Low Rise Housing Diversity Code	The State	The lot must: • permit the relevant land use • be in Zone RU5, Zone R1, Zone R2 or Zone R3 • have lawful access to a public road at the completion of the development.
Codes SEPP – Part 3BA Pattern Book Development Code	The State	The lot must: • permit the relevant land use, • be in Zone R1, Zone R2 or Zone R3 • be consistent with a specified pattern • result in a lot not smaller than the relevant control under an EPI, unless within an LMR area • have lawful access to a public road at the completion of the development.
Codes SEPP – Part 3C Greenfield Housing Code	Land identified on the Greenfield Housing Code Area Map	The lot must: • be within the *Greenfield Housing Code Area*, **and** • be in Zone R1, R2, R3, R4 or RU5, **and** • have an area not less than 200m², **and**

Code / Controls	Where it applies	Qualifying criteria
		• have a lot width at least 6m measured at the building line, **and** • only contain 1 dwelling house at the completion of the development, **and** • have lawful access to a public road, **and** • if on a battle-axe lot, be at least 12m by 12m and have an access laneway that is at least 3m wide, • **and** if on a corner lot, the width of the primary road boundary of the lot must be at least 6m.
Codes SEPP – Part 3D Inland Code	LGAs west of the Great Dividing Range	The lot must: • be located in an inland LGA, **and** • be in Zone RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 or R5, **and** • not be on land to which the Greenfield Housing Code applies.
Codes SEPP – Part 4 Housing Alterations Code	The State	The proposal must be consistent with the specified development.
Housing SEPP – Chapter 3, Part 1 – Secondary Dwellings	The State	The lot must: • be in a residential zone other than R5 • have an area of at least 450 sqm • not result in a dwelling on the land, other than the principal dwelling and the secondary dwelling • not result in a floor area greater than 60 sqm unless a greater floor area is permitted by another EPI.

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